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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/059,316      | 01/31/2002  | Masahiro Terada      | 0879-0373P          | 5499             |

2292 7590 01/08/2007  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

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| EXAMINER |
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DURAN, ARTHUR D

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3622

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
|--|-------------------|---------------|
| 3 MONTHS                               | 01/08/2007        | ELECTRONIC    |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/08/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

10/059,316

Applicant(s)

TERADA ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/1/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-31 have been examined.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (2004/0153378) in view of Dedrick (5,724,521).

Claims 1, 2, 3, 4, 5, 6, 8, 9, 10, 26: Perkowski discloses:

causing a user's portable terminal and/or a client computer to transmit identification information on a service company to a menu server (Fig. 1, 3a8, 3a6, 3a7);

causing the menu server to transmit menu button information corresponding to the received identification information on the service company, to the client computer (Fig. 1, 2-1);

causing the client computer, which has received the menu button information, to display menu buttons on a display in accordance with the menu button information on the basis of a predetermined client application so as to access a service server of the corresponding service company on the basis of operation of the menu buttons (fig 8, 7, 4s3, 4s2, 4p2; 4c3); and

causing a menu server operation company administering the menu server to

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bill the service company ([672]).

Perkowski does not explicitly disclose billing the service company based on the number of accesses.

However, Dedrick discloses billing the service company based on the number of accesses (col 13, lines 30-63; col 15, lines 35-46).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Dedrick's billing the service company based on the number of accesses. One would have been motivated to do this in order to better cover the costs of running the system.

Perkowski further discloses utilizing buttons, menus ([32, 33, 41, 54, 60, 68, 81, 106, 164]; Figures cited above).

Claim 7: Perkowski further discloses the step of transmitting the particular identification information from the second server to the user's communication device via a recording medium such as a floppy disk or a CD-ROM ([154, 191, 192]).

Claim 11, 13, 19, 21, 24, 27: Perkowski further discloses that when a menu update button displayed on the display is operated on the basis of the client application, the client computer transmits the identification information on the service company to the menu server ([529, 187]).

Claim 12, 20, 29: Perkowski further discloses that the identification information on the service company is transmitted from the service company's communication device to the user's portable terminal by short-distance radio communication, and is transmitted from the portable terminal to the menu server

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directly or via the client computer ([194]).

Claim 14, 15, 16, 22, 23: Perkowski further discloses that the identification information on the service company is manually input using an input device of the user's portable terminal and transmitted directly to the menu server using a communication function of the portable terminal (Figures 1, 2c, 3a1, 3a2; [194]).

Claim 17, 25, 29, 30, 31: Perkowski further discloses that the menu server administers, for each user, menu button information corresponding to the identification information on the service company, and when the menu update button displayed on the display is operated on the basis of the client application to receive a menu update request together with the user's identification information, the menu server transmits menu button information corresponding to the user to the user's client computer (Abstract; [187, 529]).

Claim 18: Perkowski further discloses causing the client computer to transmit a request for counting of the number of accesses to the service company corresponding to the menu buttons, to the menu server on the basis of operation of the menu buttons; each time when the menu server receives the request for the counting of the number of accesses to the service company, from the client computer, causing the menu server to count up the number of accesses to the service company; and causing the menu server operation company to bill the service company on the basis of the number of accesses ([187, 529]; also, see the rejection of the independent claims on which this claim is dependent).

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*Conclusion*

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Lokuge (2006/0122917) discloses user customized webscreens and/or menus; b) Goldhaber (5,794,210) discloses charging for website or content access per access; c) Gerace (5,848,396) discloses charging for website or content access per access.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Arthur Duran  
Primary Examiner  
12/12/2006